

CITY OF ISSAQUAH

MITIGATED DETERMINATION OF NONSIGNIFICANCE (MDNS)

Description of Proposal: Subdivide an 8.87 acre site into 40 single-family residential lots. Construct infrastructure for the residential subdivision, including; roadways, stormwater facilities, utilities, open space and critical area tracts.

The site is zoned Single Family Small Lot (SF-SL) which requires a minimum lot size of 6,000 SF. The code allows reducing the minimum lot size to accommodate the transfer of density from critical areas. 36 lots out of the 40 proposed lots are sized below the minimum 6,000 SF lot size of the SF-SL zone.

The proposal would create separate tracts for stormwater (Tract C, 24,867 SF), wetland protection (Tract A, 65,205 SF), tree protection (Tract E, 45,702), open space (Tract D, 4,716) and private access/utility tracts (Tract B, 2,720 SF and Tract F, 3,799 SF).

The site includes one wetland area (Wetland D) that is partially on-site; a four-acre Category 2 wetland of which approximately 31,644 SF is located along the westerly edge of the subject site. The buffers of 2 other off-site wetlands (Wetlands A, C) extend onto the subject site and the proposed road access off SE 48th St would encroach into the wetland buffers. A small Category 4 wetland (Wetland B, 906 SF) is also adjacent to the proposed road access. The proposal would not result in direct wetland impacts. Wetland buffers would be reduced and mitigated by wetland buffer averaging and enhancement.

There are presently 2 single family residences on the site which would be removed for the proposed subdivision.

The proposal would be accessed from a new public street constructed off SE 48th St, and a road connection to the south (232nd Ave SE) through the Issaquah 22 plat which is presently under construction.

Proponent: Westcott Home
1010 Market Street
Kirkland, WA. 98033
Attn: Kathy Orni

Permit Number: PP13-00001 – McBride Preliminary Plat

Location of Proposal: 23203/23231 SE 48th Street

Lead Agency: City of Issaquah

Determination: The lead agency for this proposal has determined that it does not have a probable significant adverse impact on the environment. An environmental impact statement is not required under RCW 43.21C.030(2)(c). This decision was made after review of a completed environmental checklist and other information on file with the lead agency. This information is available to the public on request.

Comment/Appeal Period: The Mitigated Determination of Nonsignificance is issued under WAC 197-11-340(2) and 197-11-680(3)(a)vii, and is based on the proposal being conditioned as indicated below. There is a combined 21-day comment/appeal period for this determination, between **August 28, 2013 and September 18, 2013**. Anyone wishing to comment may submit written comments to the Responsible Official between **August 28, 2013 and September 11, 2013**. The Responsible Official will reconsider the determination based on timely comments. The lead agency will not act on this proposal for 14 days. Any person aggrieved by this determination may appeal by filing a Notice of Appeal with the City of Issaquah Permit Center between **September 12, 2013 and September 18, 2013**. Appellants

should prepare specific factual objections. Copies of the environmental determination and other project application materials are available from the Issaquah Development Services Department, 1775 12th Avenue NW.

Appeals of this SEPA determination must be consolidated with appeal of the underlying permit, per IMC 18.04.250.

Notes:

- 1) This threshold determination is based on review of the preliminary plat, preliminary grading plan, preliminary utility plan, preliminary road profile, tree retention plan, preliminary landscape and street tree plan, and wetland buffer mitigation plan received March 13, 2013 and revised July 18, 2013; Critical Area Study and Buffer Mitigation Plan received March 13, 2013 and revised July 5, 2013 (Wetland Resources, Inc.); Preliminary Geotechnical Report received March 13, 2013 (Associated Earth Sciences, Inc.); Preliminary Technical Information Report/Level 1 Downstream Analysis received March 13, 2013 (Blueline); Transportation Impact Study dated April 29, 2013 (TENW); environmental checklist received March 13, 2013; and other documents in the file.
- 2) Issuance of this threshold determination does not constitute approval of the permit. The proposal will be reviewed for compliance with all applicable City of Issaquah codes, which regulate development activities, including the Land Use Code, Critical Area Regulations, Building Codes, Clearing and Grading Ordinance, and Surface Water Design Manual.

Findings:

1. Land Use: The site is zoned Single-Family Small Lot (SF-SL), which allows a maximum density of 4.5 dwelling units/acre and requires a minimum lot size of 6,000 SF. Wetlands and wetland buffer areas on the site cannot be developed and receive only partial density credit which may be transferred to the developable area of the site. The code allows reducing the zoning minimum lot size to accommodate the transfer of density from critical areas to developable areas on a site (IMC 18.10.450), provided the maximum zoning density is not exceeded. The intent of this code provision is to provide incentives for preservation of critical areas, flexibility in design, and to achieve residential density consistent with the Comprehensive Plan. In the McBride preliminary plat, 36 lots out of 40 are sized below the minimum 6,000 SF lot size of the SF-SL zone. To address compatibility with surrounding land uses, only detached single family residences are allowed and the residential structures must meet the zoning building setbacks and impervious surface limits on all the lots.
2. Wetlands: The site contains one wetland area (Wetland D) that is partially on-site; a four-acre Category 2 wetland of which approximately 31,644 SF is located along the westerly edge of the subject site. The buffers of 2 other off-site wetlands (Wetlands A, C) extend onto the subject site and the proposed road access off SE 48th St would encroach into the wetland buffers. A small Category 4 wetland (Wetland B, 906 SF) is also adjacent to the proposed road access and would not be impacted.

The wetlands on and adjacent to the project site were peer reviewed by an independent consultant working for the City. The review included confirming the delineation of the wetland boundaries and a review of the wetland rating, which determines the required wetlands buffer widths.

The wetland and wetland buffer areas on the subject site have been managed and cleared of native vegetation and are currently dominated by grasses and emergent species, including soft rush, creeping buttercup, reed canarygrass, velvet grass, bluegrass and water foxtail. Existing wetland and

wetland buffer functions are limited; providing low to moderate levels of hydrologic control and water quality functions and low levels of habitat functions.

The proposal would not result in direct wetland impacts. The proposal encroaches into the wetland buffers, reducing buffer widths up to a maximum of 25% of the standard wetland buffer width required per code. Proposed mitigation for the buffer reductions includes both buffer averaging (adding a replacement equal area to the area of buffer encroachment) and enhancement of the existing, degraded wetland buffer areas.

The proposal would have impacts on the wetlands/wetland buffers resulting from the wetland buffer reductions, temporary impacts due to clearing/grading within buffers, stormwater discharge into the off-site Wetlands B and A, a trail in the Wetland D buffer, fragmentation of existing connections between the wetlands, and indirect impacts of human/pet activity after completion of the development. Development would affect wetland functions by impacting existing processes related to water flows, and the inputs of sediments and nutrients. Current conditions and wetland functions are relatively low because the wetlands have been actively managed and are largely dominated by invasive plant species (reed canary grass) and pasture grasses. Enhancement of wetlands/wetland buffer areas would address the direct and indirect impacts of the development, improve functions over existing conditions, and begin restoring the wetland/wetland buffer area to more natural scrub-shrub and forested conditions, establishing native vegetation communities that would improve wetland functions over the long term.

The proposal includes wetland and wetland buffer enhancements to mitigate impacts and to improve existing conditions. The Buffer Mitigation Plan (Wetland Resources, dated July 5, 2013) details the buffer impacts and proposed mitigation/enhancement. In addition to the measures proposed on the Buffer Mitigation Plan, the following enhancement measures are required:

Wetland D: Wetland D is a Category II wetland which requires a 75-foot buffer.

- The proposal would reduce the wetland buffer by 3,090 SF behind Lots 1-4 and 8, and add 3,300 SF of replacement buffer area to mitigate for the buffer encroachment (a 1:1 ratio). The added buffer area (3,300 SF), adjacent to Lot 8, should be enhanced with native plants. Approximately 4,725 SF of wetland buffer area would be temporarily disturbed by grading behind Lots 1-8, and is proposed to be replanted/enhanced with native tree and shrub species. The outer wetland buffer, adjacent to Lots 1-8, should be enhanced with a minimum planting width of 30 feet to mitigate buffer areas disturbed by grading, to screen the developed lots and to provide a soft barrier to human/pet intrusions into the wetland/wetland buffer area.
- A minimum 40-foot wide planting swathe along the outer edge of Wetland D and the inner edge of the wetland buffer should be planted with native tree and shrub species to improve wetland and wetland buffer functions over existing conditions, to establish tree and shrub cover to shade out and compete with invasive reed canary grass which dominates the on-site wetland area. This mitigates for impacts of reducing the buffer width through buffer averaging, the construction of a 4-foot wide trail in the buffer, and the indirect impacts of the development.

Wetland A: Wetland A is an off-site wetland located to the northeast of the proposed lots. The Category II wetland requires a 75-foot buffer width. The proposed access road off SE 48th St would encroach into the buffer by 1,370 SF. To mitigate for the buffer encroachment, 7,885 SF (5.75:1 ratio) of the wetland buffer is proposed to be enhanced.

- Stormwater from the development would discharge first into Wetland B and then flows into Wetland A. The stormwater discharge would increase flow volumes and velocity and alter the hydroperiod, the duration and depth of ponding in Wetland A. Planting a minimum of 2,000 SF

of the outer edge of Wetland A, adjacent to the location of stormwater discharge, would slow flow velocity, improve water quality functions and plant uptake of the project stormwater.

Wetland C: Wetland C is an off-site wetland located north of the proposed lots. The Category III wetland requires a 50-foot buffer width. The entry road off SE 48th St would encroach into the buffer by 976 SF and the stormwater tract by 220 SF for a total buffer intrusion of 1,196 SF. The proposal would add a replacement buffer area of 855 SF and enhance 7,874 SF (6.5:1 ratio) as mitigation for the buffer encroachment. Along the west edge of the wetland, an existing off-site gravel driveway off SE 48th St would be improved as an emergency access and pedestrian trail for the proposed development, resulting in a buffer impact of 4,220 SF. This impact is proposed to be mitigated with 17,700 SF of enhancement of Wetland D (a 4:1 ratio).

Wetland B: Wetland B is a small (905 SF) Category IV off-site wetland dominated by maintained grasses. An existing stormwater easement runs through the wetland and the stormwater from the proposed development would discharge into the wetland. The applicant proposes to enhance Wetland B with native tree and shrub species to mitigate for stormwater related impacts.

3. Tree retention – The Land Use Code requires tree retention, a minimum of 30% of the total caliper of existing trees outside of critical areas and buffers. Tree retention is proposed in a separate tract, Tract E (45,702 SF), and along the back of Lots 19-22. It meets code priorities in terms of saving trees in healthy tree groupings forming a continuous canopy and saving trees on slopes over 20%, and preserving native tree species. The preserved, upland trees would provide wildlife habitat value, particularly with close proximity to enhancement of nearby wetland buffers. The proposed retained trees would also screen the proposed development from adjacent, developed properties to the east and south and the tree retention on the back of Lots 19-22 would minimize the grading change to the adjacent lots.

Trees proposed to be retained should be outside clearing/grading limits or will require protective fencing and clearing/grading will be limited around protected tree areas to ensure tree health and retention. An arborist report may be needed to assess trees proximate to clearing/grading activities.

4. Traffic: Access to the proposed subdivision would be provided by a new public street connecting to SE 48th St on the north and a road connection to the south (232nd Ave SE) through the Issaquah 22 plat. The entire SE 48th St right-of-way is within the City of Sammamish and the applicant would construct frontage improvements consistent with City of Sammamish standards.

A traffic concurrency analysis and Transportation Impact Study (TENW, April 29, 2013) was prepared to evaluate the impacts of traffic generated by the proposal on level of service (LOS) operations at intersections. Issaquah's traffic concurrency model identified 2 intersections that could be impacted based on project trip distribution: SE 48th St/Issaquah Pine Lake Road and Issaquah Fall City Road/Issaquah Pine Lake Road. The Transportation Impact Study evaluated LOS impacts at these intersections for the project buildout year 2016 with and without the project.

Traffic generated from the project would impact the level of service (LOS) for the southbound right turn lane movement on Issaquah Pine Lake Road at the intersection with Issaquah Fall City Road. The intersection operates at LOS F in the a.m. peak hour and the development would add 8.8 seconds of delay to southbound right turn lane movement. The movement exceeds capacity at a V/C ratio of 1.13. The southbound right queue analysis indicates the queue storage is significantly underdesigned (needs another 450 feet). The development's impact increases the queue by another 25 feet, or 1 car, and this could pose a potential safety issue in the future. There is a project in the City's Transportation Improvement Plan (TIP) to widen the Issaquah Pine Lake Road from Issaquah Fall City Road up to SE 48th St. However, this project does not include the cost for a right turn lane at the

intersection and would not address this specific turn movement. Therefore, the applicant shall contribute to the City the cost of adding 25 feet to the right turn pocket. The cost shall include the cost of right-of-way acquisition, design and construction. The applicant's traffic consultant should prepare an estimate for this cost and it shall be approved by the City and paid by the applicant prior to recording the final plat. The cost of this mitigation shall be in addition to payment of the City's traffic mitigation fee because the specific improvement is not included in the impact fee for the TIP project.

The traffic analyses assumed a traffic signal at the intersection of SE 48th St and Issaquah Pine Lake Road. This signal is expected to be constructed by the developer of Issaquah 22 by Spring 2014. If the signal is not constructed, a new traffic analysis would be required to evaluate the potential impacts without the traffic signal. The developer of Issaquah 22 will have a 'latecomer's agreement' for the traffic signal, to be reimbursed by property owners/development benefitting from the improvement, and the applicant will be expected to pay a pro-rata share of the signal cost. This is consistent with the Transportation Concurrency Management code, IMC 18.15.

The traffic studies evaluated trip distribution from the McBride plat and concluded approximately 12% of project traffic would go north on the Issaquah Pine-Lake road toward downtown Sammamish. The applicant has negotiated payment of a traffic mitigation fee for the project traffic impacts on the City of Sammamish street network.

5. Public Services - The proposal would have a potential impact on public services, including police and general government buildings. IMC Chapter 18.18, Methods to Mitigate Development Impacts, provides alternatives to mitigate for direct impacts of proposed development. The City may approve a voluntary payment in lieu of other mitigation. Rate studies for police facilities and general government buildings are included in IMC 18.10.260 as the City's SEPA policy base. The rate studies present the methodology and formulas for determining the amount of the mitigation fee commensurate with the proposed land use and project impacts. The current mitigation fee is \$137.59 per new single family residence for the General Government Buildings mitigation fee and \$176.12 per new single family residence for the Police mitigation fee. The mitigation fee is paid at the time of building permit issuance and the actual fee amount is determined at that time. Applicant objections to the voluntary payment should be made during the SEPA comment period.

Mitigation Measures: The Mitigated Determination of Nonsignificance is based on the checklist received March 13, 2013 and supplemental information in the application. The following SEPA mitigation measures shall be deemed conditions of the approval of the licensing decision pursuant to Chapter 18.10 of the Issaquah Land Use Code. All conditions are based on policies adopted by reference in the Land Use Code.

- 1) Final wetland/wetland buffer enhancement plans are required for approval by the Issaquah Development Services Department (DSD) prior to issuing construction permits. Final plans shall include a planting plan and a 5-year monitoring/maintenance plan with performance standards for monitoring success of the enhancement planting. The plans shall meet standards of the King County Critical Areas Mitigation Guidelines for the planting density and monitoring performance standards.

The Buffer Mitigation Plan (Wetland Resources, dated July 5, 2013) details project buffer impacts and proposed mitigation/enhancement. In addition to the measures proposed on the Buffer Mitigation Plan, the following enhancement is required:

Wetland D:

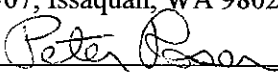
- 1) The added buffer area (3,300 SF), adjacent to Lot 8 shall be enhanced with native plants.

- 2) The outer wetland buffer, adjacent to Lots 1-8, shall be enhanced with a minimum planting width of 30 feet to mitigate for the buffer area disturbed by grading, to screen the developed lots and to provide a soft barrier to human/pet intrusions into the wetland/wetland buffer area.
- 3) A minimum 40-foot wide planting swathe along the outer edge of Wetland D and the inner edge of the wetland buffer shall be planted with native tree and shrub species to improve wetland and wetland buffer functions over existing conditions; to establish tree and shrub cover to shade out and compete with invasive reed canary grass which dominates the on-site wetland area. This mitigates for impacts of reducing the buffer width through buffer averaging, the construction of a 4-foot wide trail in the buffer, and the indirect impacts of the development.

Wetland A:

- 1) Stormwater discharge would increase flow volumes and velocity and alter the hydroperiod, the duration and depth of ponding in the wetland. Planting a minimum of 2,000 SF of the outer edge of Wetland A, adjacent to the location of stormwater discharge, would slow flow velocity, improve water quality functions and plant uptake of the project stormwater.
- 2) The applicant shall provide an as-built plan of the wetland/wetland buffer enhancement and the consulting biologist shall verify in writing that the planting has been installed per plan prior to final plat approval.
- 3) A 5-year monitoring/maintenance period is required. The applicant shall provide a bond amount equal to 50% of the cost of plants, labor and the 5-year monitoring/maintenance cost prior to final plat approval.
- 4) The applicant shall prepare a wetland hydrology analysis to demonstrate pre-development hydrology to Wetland D would be maintained. Stormwater recharging the wetland shall be treated for water quality or come from non-pollution generating surfaces. This shall be approved by the City prior to issuing construction permits.
- 5) Trees proposed to be retained shall be outside clearing/grading limits or will require protective fencing, and clearing/grading will be limited around protected tree areas to ensure tree health and retention. An arborist report may be needed to assess trees proximate to clearing/grading activities. Tree protection measures will be reviewed with construction plans and shall be installed prior to clearing/grading activity.
- 6) The traffic analyses assumed a traffic signal at the intersection of SE 48th St and Issaquah Pine Lake Road. This signal is expected to be constructed by the developer of Issaquah 22 by Spring 2014. If the signal is not constructed, a new traffic analysis would be required to evaluate traffic impacts without the traffic signal and mitigation may be required for project traffic impacts.
- 7) Traffic generated from the project would impact the level of service (LOS) for the southbound right turn lane movement on Issaquah Pine Lake Road at the intersection with Issaquah Fall City Road. The development would increase the right turn queue by another 25 feet, or 1 car, and this could pose a potential safety issue in the future. Therefore, the applicant shall contribute to the City the cost of adding 25 feet to the right turn pocket. The cost shall include the cost of right-of-way acquisition, design and construction. The applicant's traffic consultant should prepare an estimate for this cost and it shall be approved by the City and paid by the applicant prior to recording the final plat. The cost of this mitigation shall be in addition to payment of the City's traffic mitigation fee because the specific improvement is not included in the impact fee for the TIP project.

- 8) The applicant should mitigate for potential impacts on public services with a voluntary contribution for the General Government Buildings and Police Mitigation Fees. Applicant objections to the voluntary payment should be made during the SEPA comment period. The mitigation fee is to be paid prior to issuance of building permits and the actual fee amount is determined at that time.

Responsible Official: Peter Rosen
Position/Title: Environmental Planner
Address/Phone: P.O. Box 1307, Issaquah, WA 98027-1307 (425) 837-3094
Date: 8/28/2013 **Signature:** _____

cc: Washington State Department of Ecology
Muckleshoot Indian Tribe
U.S. Army Corps of Engineers
Washington State Department of Fish and Wildlife
City of Sammamish
Sammamish Plateau Water and Sewer District
Issaquah Development Services Department
Issaquah Public Works Engineering and Parks and Recreation Departments
Parties of Record

